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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,187	11/12/1999	JUKKA WALLONIUS	781.316USW1	1366

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SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 11/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/439,187

Applicant(s)

WALLENIOUS, JUKKA

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 2-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ali-Vehmas et al. ("Ali-Vehmas"), EP 0812120 A2.

Regarding claim 2, Ali-Vehmas discloses a method of configuring an intelligent network service over a user interface of a mobile station by means of a management application located at an intelligent network node (i.e., SCP) when the mobile station is connected to a mobile communication system which is, in turn, connected to an intelligent network, the mobile station comprising an extension layer (i.e., program or extension interface) to support installable routines; the method comprising:

loading a configuration routine of the intelligent network service in question in the mobile station (col. 6, lines 22-24);

the extension layer and/or the configuration routine connected to it receive an input to configure the intelligent network service, generate configuration information on the basis of the input and transmit the information in a configuration message (i.e., via short message) through a network element (i.e., MSC) of the mobile communication system to said intelligent network node (SCP) (col. 6, lines 25-43 and col. 7, lines 17-25);

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the intelligent network node (i.e., SCP connected to a service provider see col. 1, lines 3945) interprets the configuration information included in the configuration message and configures (i.e., provides the requested information) the intelligent network service (col. 6, lines 40-43).

that before the configuration message, the mobile station transmits a configuration information inquiry (i.e., user presses key for display of available intelligent network services) (col. 6, lines 25-32).

Regarding claim 3, Ali-Vehmas discloses a method as claimed in claim 2, c h a r a c t e r I z e d in that the configuration routine is entirely installed (i.e., when user places intelligent card in mobile new services are available) in the mobile station before the configuration information inquiry (col. 6, lines 23-32).

Regarding claim 4, Ali-Vehmas discloses a method as claimed in claim 2, c h a r a c t e r I z e d in that the configuration routine is installed only partly, or not at all, in the mobile station before the configuration information inquiry (i.e., pressing of key for display of available services) and the network transmits the configuration routine or at least the missing parts (i.e., requested information not already downloaded) of the configuration routine as a response to the configuration information inquiry (col. 6, lines 35-43).

Regarding claim 5, Ali-Vehmas discloses a method as claimed in claim 4, c h a r a c t e r I z e d in that the network transmits the configuration routine or the missing parts thereof only if requested by the mobile station (i.e., the switching center provides the mobile user requested information after the user selects an option) (col. 6, lines 35-43).

Regarding claim 6, Ali-Vehmas discloses a method as claimed in claim 1, c h a r a c t e r I z e d in that the network element of the mobile communication system recognizes the configuration message and transmits at least the essential part thereof to the said intelligent network node (SCP) (col. 6, lines 36-43).

Regarding claim 7, Ali- Vehmas discloses a method as claimed in claim 1, characterized in that the messages between the mobile station and the network element of the mobile communication system are transparent for the portion of the network between the mobile station and the element of said mobile communication system and the network element of the mobile communication system recognizes upward and downward messages (i.e., bidirectional) and forwards the essential parts of the messages correspondingly to the intelligent network node (SCP) or the mobile station (MS) (col. 6, lines 36-43 and col. 7, lines 12-38).

Regarding claim 8, Ali-Vehmas discloses a method as claimed in claim 7, c h a r a c t e r I z e d in that the network element (MSC) of the mobile communication system recognizes that the message is a configuration message on the basis of the fact that the message contains an intelligent network service identifier (i.e., character sequences representing the services) and preferably a special character (i.e., symbol see col. 5, lines 32-37) that seldom occurs in a normal text (col. 6, lines 29-43).

Regarding claim 9, Ali-Vehmas discloses a method as claimed in claim 7, c h a r a c t e r I z e d in that the network element (MSC) of the mobile communication system recognizes that the message is a configuration message on the basis of the fact that the mobile station transmits the message to a telephone number (i.e., telephone number of a particular movie theater, which is

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the service provider) allocated to the intelligent network service (col. 6, lines 56-58 to col. 7, lines 1-6).

Regarding claim 10, Ali-Vehmas discloses a method as claimed in claim 1, characterized in that in connection with changes in the intelligent network service the intelligent network node (SCP) automatically transmits a notification to the mobile station (MS) (col. 8, lines 9-23).

Regarding claim 11, Ali-Vehmas discloses a method as claimed in characterized in that in connection with the changes in the intelligent network service the intelligent network node (SCP) automatically activates the loading of a new configuration routine for the mobile station (col. 7, lines 26-44 and col. 8, lines 8-18).

Regarding claim 12, Ali-Vehmas discloses a method as claimed in characterized in that the messages between the mobile station and the network element of the mobile communication system are data messages, such as short messages or USSD messages (col. 7, lines 26-38).

Regarding claim 13, Ali-Vehmas discloses a mobile station comprising an extension layer to support routines to be installed; comprising:

the mobile station comprises a configuration routine of an intelligent network service, the routine being arranged to provide the extension layer with an input to configure the intelligent network service (col 6, lines 25-43); as a response to the input the mobile station is arranged to transmit configuration information to a mobile telephone network (col. 6, lines 25-43);

that before the configuration message, the mobile station transmits a configuration information inquiry (i.e., user presses key for display of available intelligent network services) (col. 6, lines 25-32).

Regarding claim 14, Ali-Vehmas discloses an arrangement for configuring over a user interface of a mobile station an intelligent network service controlled by an intelligent network node (SCP) when the mobile station comprises an extension layer to support installable routines; comprising: the mobile comprises a configuration routine of the intelligent network service, the routine being arranged to provide the extension layer with an input to configure the intelligent network service (col. 6, lines 25-43);

as a response to the input, the mobile station is arranged to transmit configuration information through a network element (i.e., MSC) of the mobile communication system to the intelligent network node (SCP) (col. 6, lines 25-43 and col. 7, lines 12-25);

and the intelligent network node (SCP) is arranged to interpret the configuration information included in the configuration message and configure the intelligent network service on the configuration information (col. 6, lines 25-43 and col. 7, lines 26-38);

that before the configuration message, the mobile station transmits a configuration information inquiry (i.e., user presses key for display of available intelligent network services) (col. 6, lines 25-32).

Response to Arguments

Applicant's arguments filed 11-3-03 have been fully considered but they are not persuasive.

1) Applicant argues that Ali-Vehmas fails to disclose a mobile station that transmits an information inquiry before transmitting the configuration message.

Examiner contends that Ali-Vehmas anticipates the Applicant's invention as claimed. Ali-Vehmas discloses that a mobile phone includes a function wherein a list of all available intelligent network services shown on the display when the user presses a certain key (col. 6, lines 25-27). The aforementioned is read on the Applicant's claimed limitation (*a mobile station that transmits an information inquiry*); phone includes a function wherein a list of all available intelligent network services (col. 6, lines 25-27); and (*before transmitting the configuration message*), which reads on as a response to the keystroke indicating the selection the central processing unit sends via the telephone part to a base station and further to a switching center a request (column 6, lines 36-40).

Conclusion

1. This is a RCE of applicant's earlier Application No. 09/439187. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith
November 17, 2003


SINH TRAN
PRIMARY EXAMINER